

**CASE**

**NUMBER:**

99.486

INDEX FOR CASE: 1999-486  
NORTH MERCER WATER DISTRICT  
Deviation

807 KAR 5:066 SECTION 10(2)(b) FIRE PROTECTION

IN THE MATTER OF THE APPLICATION OF NORTH MERCER WATER  
DISTRICT FOR A DEVIATION FROM 807 KAR 5:066 SECTION 10(2)(b)  
FIRE PROTECTION

SEQ NBR	ENTRY DATE	REMARKS
0001	12/01/1999	Application.
0002	12/01/1999	Acknowledgement letter.
0003	05/12/2000	Informal Conference Memorandum
0004	09/13/2000	Data Request; response due 9/25
M0001	09/28/2000	THOMAS JONES/NORTH MERCER WD-MOTION FOR EXTENSION OF TIME TO FILE DATA
0005	10/06/2000	Letter to Thomas M. Jones granting request for ext. of time; info now due 10/26
M0002	10/26/2000	THOMAS JONES/NORTH MERCER WD-RESPONSE TO FIRST DATA REQUEST
0006	03/02/2001	Final Order denying deviation request.



COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-486  
NORTH MERCER WATER DISTRICT

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 2, 2001.

Parties of Record:

Aubrey Morris  
Chairman  
North Mercer Water District  
108 Main Street  
P. O. Box 79  
Salvisa, KY. 40372

Honorable Thomas M. Jones  
Attorney for North Mercer Water  
138 South Main Street  
Lawrenceburg, KY. 40342

*Stephanie J. Bell*

Secretary of the Commission

SB/lc  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NORTH MERCER )  
WATER DISTRICT FOR A DEVIATION ) CASE NO. 99-486  
FROM 807 KAR 5:066, SECTION 10(2)(b), )  
FIRE PROTECTION )

O R D E R

North Mercer Water District ("North Mercer") has requested to deviate from Commission Regulation 807 KAR 5:066, Section 10(2)(b). Commission Regulation 807 KAR 5:066, Section 10(2)(b) states that fire hydrants may be installed by a utility only if a professional engineer with a Kentucky registration has certified that the system can provide a minimum fire flow of 250 gallons per minute and if the supporting system has the capability of providing the flow for a period of not less than 2 hours plus consumption at the maximum daily rate. To date no intervention requests have been filed with the Commission.

North Mercer states that it surrounds the city of Harrodsburg, Kentucky ("City") on the north, west, and south and that the City requires all developers to install fire hydrants that can be used directly for fire fighting and protection. North Mercer is making this request for deviation because developers are developing real estate located within the City and within North Mercer's service territory. North Mercer proposes that fire hydrants be installed by the developers, but that they be used only for flushing purposes, not for direct fire fighting, until such time as a professional engineer can

certify that the system can provide the required flow. In the alternative, North Mercer proposes that it be relieved of the responsibility to provide the minimum fire flow required by 807 KAR 5:066, Section 10(2)(b), if the City obtains ownership and maintenance of the mains and facilities in the subject developments.

Pursuant to an Order by the Commission, an informal conference was held for Commission Staff and North Mercer to meet and discuss the request. North Mercer invited the developer and a representative of the City to attend and participate at the informal conference even though they had not intervened in the action. The developer and North Mercer expressed differing opinions as to whether North Mercer's system can provide the flows required for the installation of fire hydrants.

Administrative Regulation 807 KAR 5:066, Section 18, provides that in special cases, for good cause shown, the Commission may permit deviations from Administrative Regulation 807 KAR 5:066. To determine whether good cause exists for the requested deviation, the Commission ordered North Mercer to provide a hydraulic analysis of its water distribution system in the area where the fire hydrants are planned for installation. The Commission further ordered that North Mercer include in its analysis a certificate signed by a professional engineer stating whether North Mercer's system can provide the minimum fire flow required by 807 KAR 5:066, Section 10(2)(b). North Mercer did not provide the analysis requested; nor did it provide any other evidence to support its request.

The Commission, having considered the request and being otherwise sufficiently advised, finds that North Mercer has not shown the requisite good cause to grant it permission to deviate from Commission Regulation 807 KAR 5:066, Section 10(2)(b).

In addition, the Commission is concerned that the installation of fire hydrants may mislead North Mercer's customers into believing that the water distribution system is capable of providing adequate and reliable volumes of water for fire protection purposes. Therefore, North Mercer's request should be denied.

North Mercer should not construe our action as authority to eliminate fire hydrants from the proposed water main extensions. KRS 74.415(1) permits North Mercer to eliminate fire hydrants from new or extended water lines if it determines that they are not feasible. KRS 74.415(1) establishes the analysis that must be performed for a proper determination on feasibility. North Mercer has not performed such an analysis to allow the elimination of the proposed fire hydrants.

IT IS THEREFORE ORDERED that:

1. North Mercer's request to deviate from 807 KAR 5:066, Section 10(2)(b), is denied.
2. Before eliminating any fire hydrants from new or extended water mains within its service territory, North Mercer shall perform the analysis required by KRS 74.415(1) and determine that hydrants are not feasible.

Done at Frankfort, Kentucky, this 2nd day of March, 2001.

By the Commission

ATTEST:



Executive Director

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

RECEIVED

OCT 26 2000

PUBLIC SERVICE  
COMMISSION

**THE APPLICATION OF ]  
NORTH MERCER WATER ]  
DISTRICT FOR A DEVIATION ]  
FROM 807 KAR 5:066, SECTION ]  
10(2)(b) FIRE PROTECTION ]**

**Case No. 1999-486**

**NORTH MERCER WATER DISTRICT'S  
RESPONSE TO FIRST DATA REQUEST OF  
COMMISSION STAFF**

Comes the North Mercer Water District, by counsel, and for its Response to the First Data Request of Commission Staff of the Public Service Commission, hereinafter known and referred to as "*Commission*", to the North Mercer Water District, hereinafter known and referred to as "*District*", and states as follows:

**(1) REQUEST FOR INFORMATION:**

Provide a hydraulic analysis of North Mercer's water distribution system in the area being developed by Baker, Kirkland & McGlone. The analysis shall be prepared by a professional engineer with a Kentucky license and shall include a certification by the engineer regarding whether North Mercer's system can provide the minimum fire flow required by the Commission's administrative regulations.

**(1) RESPONSE OF DISTRICT**

The District attaches herewith, a photocopy of the January 9, 2000 letter of William Daugherty, LPE #447; and a copy of the Construction Plans, Amended Alexander Heights Subdivision, Phase 2, as prepared by William Daugherty of Daugherty Engineers on August, 1998.

**(2) REQUEST FOR INFORMATION**

Does North Mercer provide fire protection to any of its customers?

**(2) RESPONSE OF DISTRICT**

The District does not provide fire protection to any of its customers, if the Commission Staff is meaning that fire hoses are hooked directly to the hydrant, or flush valve, as they are described by District personnel. The District does allow fire fighters to draw water from any District flush valve for the purpose of refilling fire trucks. Refilling fire trucks is never to be accomplished by a "hard

connection" suction hose or pump. The fire fighters are authorized to refill tanks directly by placing a collapsible hose directly into the top of the fire truck tank, or by filling a portable tank or "pond" and thus allowing the fire truck to pump from the portable tank or "pond". The District does not charge for this water, but does request the fire protection district officials to notify District personnel as to the amount of water consumed in fire fighting and the time that the usage is made.

**(3) REQUEST FOR INFORMATION**

Does North Mercer's filed rate schedule contain a disclaimer of fire protection service?

**(3) RESPONSE OF DISTRICT**

Yes. The District's Rates, Rules and Regulations for Furnishing Water, adopted by the Commission on October 17, 1992, states at paragraph R, as follows:

**"Water furnished by the District may be used for domestic consumption by the customer, members of his household, and employees only. The customers shall not sell the water to any other person."**

**(4) REQUEST FOR INFORMATION**

Has North Mercer determined that hydrants are not feasible in the area being developed by Baker, Kirkland & McGlone?

**(4) RESPONSE OF DISTRICT**

Yes.

**(5) REQUEST FOR INFORMATION**

If the response to Item 4 is in the affirmative, did the analysis include:

- a. A hydraulic analysis to determine if there is adequate flow on the line to meet fire protection regulations?
- b. The incremental cost of adequately sized pipe and associated pumps and towers?
- c. The benefits of real estate developed?
- d. Water sales?
- e. The availability of fire protection insurance?
- f. Reduced fire insurance premiums that may result from the installation of hydrants at specified intervals?

**(5) RESPONSE OF DISTRICT**

- (a) No.
- (b) No.
- (c) No.
- (d) No.
- (e) No.
- (f) No.

**(6) REQUEST FOR INFORMATION**

If the response to Item 4 is in the negative, explain why a determination on feasibility has not been performed.

**(6) RESPONSE OF DISTRICT**

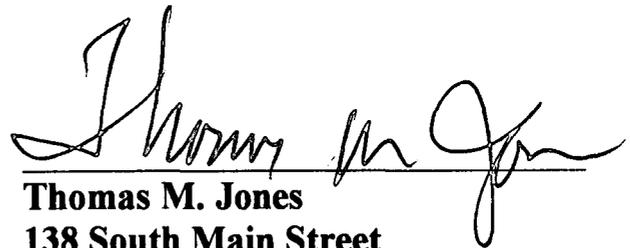
The response to Item 4 was "Yes". No additional response is required for Request for Information #6.

The District does, however, wish to explain its position in light of statements made by William Daugherty as shown on the attachments filed in Response to Request for Information #1.

The District's sole source of water for the Alexander Heights Subdivision is the City of Harrodsburg, Kentucky/North Mercer Water District master meter on U.S. Highway 127. This master meter has a contractual limitation from the City of Harrodsburg, Kentucky, of 300 gallons per minute. **807 KAR 5:066 Section 10 (2) (b) Fire Protection**, requires that "the system supporting this flow has the capacity of providing this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate." North Mercer Water District frequently exceeds the total number of gallons per minute as authorized by its contract with the City of Harrodsburg, Kentucky. This use of water is made without providing any fire protection. Should the District be required to provide fire protection to its customers, it would be necessary that the District violate its contract with the City

of Harrodsburg, Kentucky, as that contract would only provide for 50 gallons per minute of water in excess of the minimum number of gallons required by 807 KAR 5:066 Section 10 (2) (b) Fire Protection. In short, the District would only have 50 gallons of water, per minute, to serve over 2,000 customers if it had to provide fire protection.

**RESPECTFULLY SUBMITTED this the 25th day of October, 2000.**



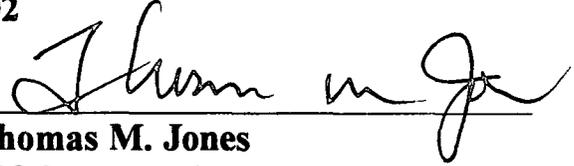
**Thomas M. Jones  
138 South Main Street  
Lawrenceburg, KY 40342  
Telephone: 502-839-6020  
Facsimile: 502-839-6029  
ATTORNEY FOR NORTH  
MERCER WATER DISTRICT**

### **CERTIFICATE OF SERVICE**

The undersigned certifies on October 26, 2000, that the original, and five (5) copies, of the foregoing were hand delivered to Thomas M. Dorman, Executive Director, Public Service Commission, and a true copy of the foregoing was hand delivered to Anita Mitchell, Staff Counsel, Public Service Commission, by U.S. Mail, with all postage prepaid, at the following address:

**Thomas M. Dorman, Executive Director  
Public Service Commission  
211 Sower Boulevard  
Post Office Box 615  
Frankfort, KY 40602**

**Anita Mitchell, Staff Counsel  
Public Service Commission  
211 Sower Boulevard  
Post Office Box 615  
Frankfort, KY 40602**



**Thomas M. Jones  
138 South Main Street  
Lawrenceburg, KY 40342  
Telephone: 502-839-6020  
Facsimile: 502-839-6029  
ATTORNEY FOR NORTH  
MERCER WATER DISTRICT**

NMWD-RESPONSE TO REQUEST FOR INFORMATION

WILLIAM DAUGHERTY

PROFESSIONAL ENGINEER  
PROFESSIONAL LAND SURVEYOR

203 NORTH THIRD STREET  
NICHOLASVILLE, KENTUCKY 40356

TELEPHONE/ FAX 606-885-7667  
TELEPHONE 606-229-7917

3- or  
NAWD  
CIVIL ENGINEERING  
SURVEYING  
LAND DEVELOPMENT

9 January, 2000

Ms. Vicki L. Ray,  
Manager, Drinking Water Branch  
Division of Water  
14 Reilly Road  
Frankfort, Kentucky 40601

Re: Project Completion  
DW #0840321-98-004  
Alexander Heights Phase 2  
Harrodsburg, Kentucky

Dear Ms. Ray:

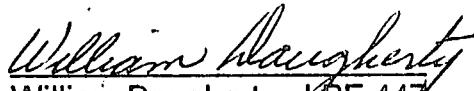
The above captioned project was completed in 1999 in accordance with the approved Plans and Specifications, and with the addition of some cosmetic requirements of the Water District which did not affect the integrity of the system or alter its original function.

The system has been pressure test, has been sterilized and bacteriological samples have been tested and all have passed the minimum requirements.

The construction inspection and the required testing has been performed under the supervision of the North Mercer Water District.

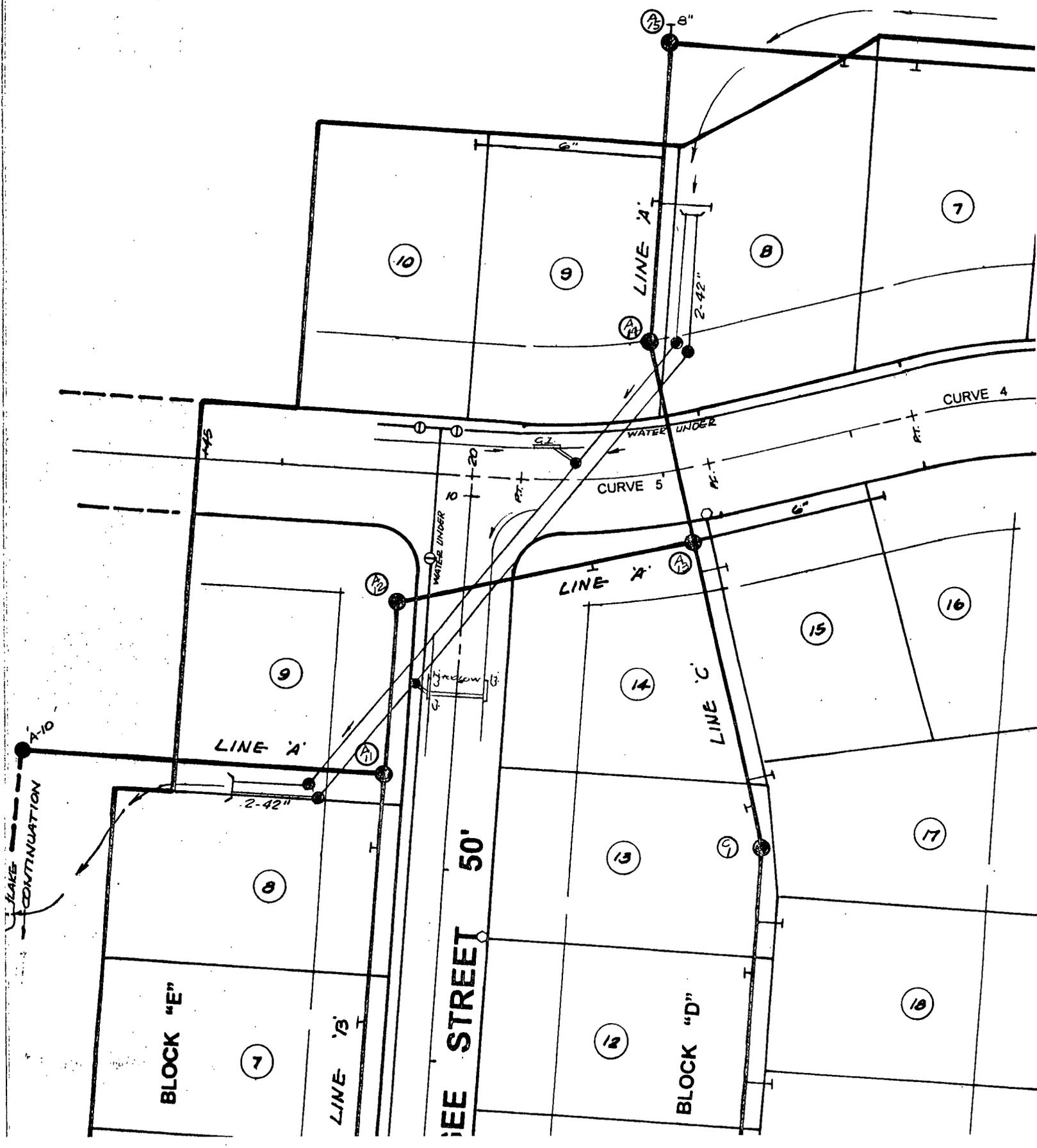
If you have questions, please contact me.

Yours Truly,

  
William Daugherty LPE 447

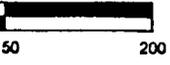
# WATER NOTES

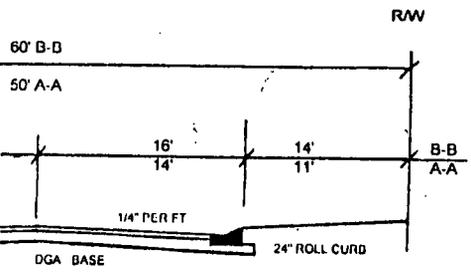
1. Water main shall be 8" PVC, Class 200
2. Fittings and valves shall be Mechanical Joint Ductile Iron
3. All Valves shall be Resilient Seat Gate Valves with Cast Iron Valve Box
4. 2" Service Conduits shall be installed, services and connections shall be by water district.
5. Minimum Cover is 30"
6. Water Lines crossing sewer lines shall maintain 18" minimum clearance between lines. Concrete encasement may be required in some cases.
7. Street Crossings shall be backfilled full depth with #9, or equal, stone
8. All lines shall be tested and disinfected in accordance with AWWA Requirements, or as required by the Water District.
9. Specific details shall be in accordance with the Requirements of the North Mercer Water District.
10. All Construction shall be in accordance with the requirements of the North Mercer Water District and the Division of Water











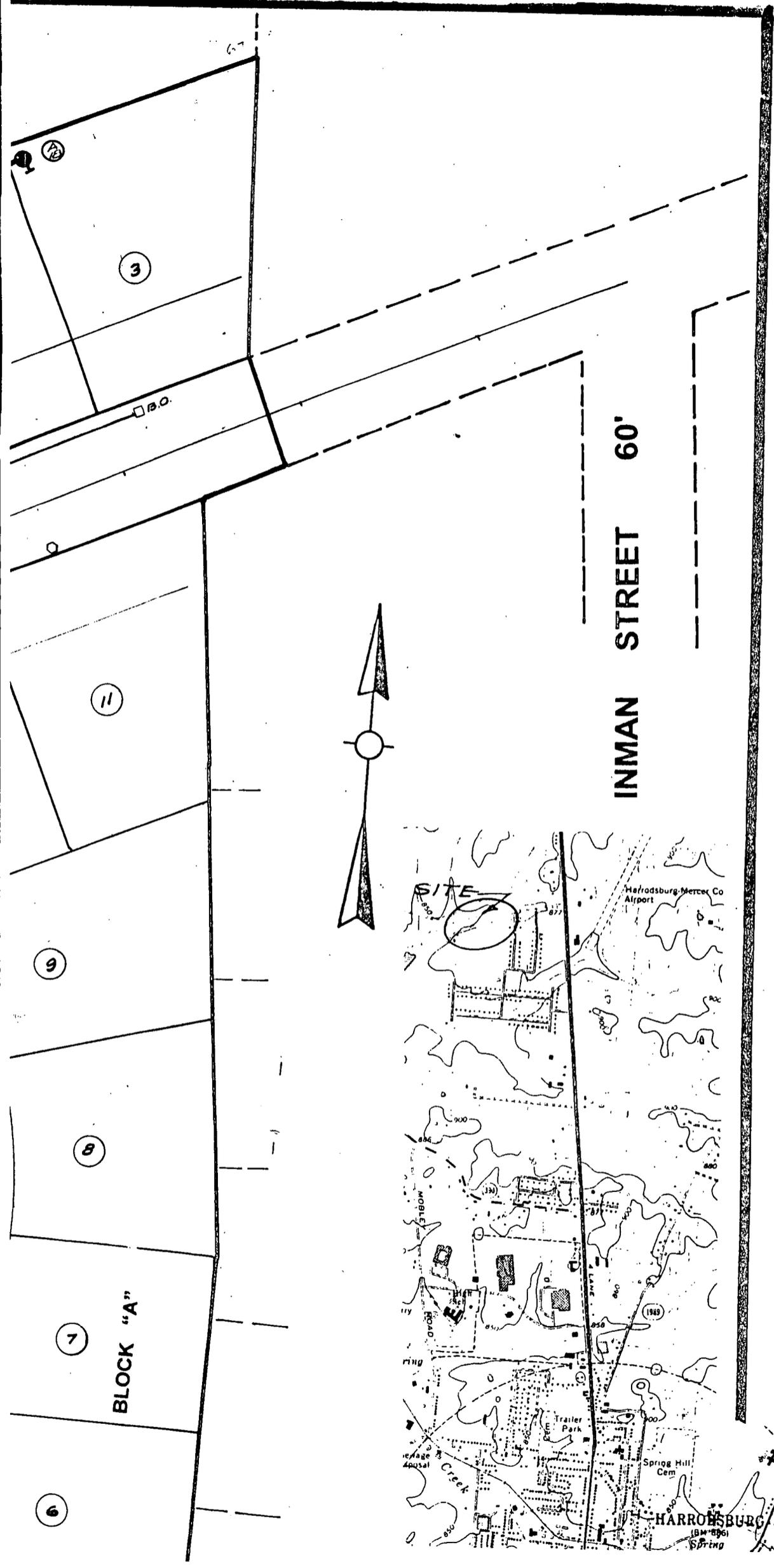


CURVE DATA

NO.	DELTA	RADIUS	TAN	LENGTH
1	25° 43' 43"	260.00'		
2	21° 47' 55"	260.00'	59.30'	116.75'
3	25° 43' 43"	350.00'	50.07'	90.92'
4	17° 17' 33"	328.814'	79.93'	157.17'
5	17° 17' 33"	328.014'	50.00'	99.24'
			50.00'	99.24'

AMEN  
 SLEEPY H  
 KIRKLANC  
 WILLIAM C  
 DAUGHER  
 AUGUST

ALEXANDER HEIGHTS



3

B.O.

11

9

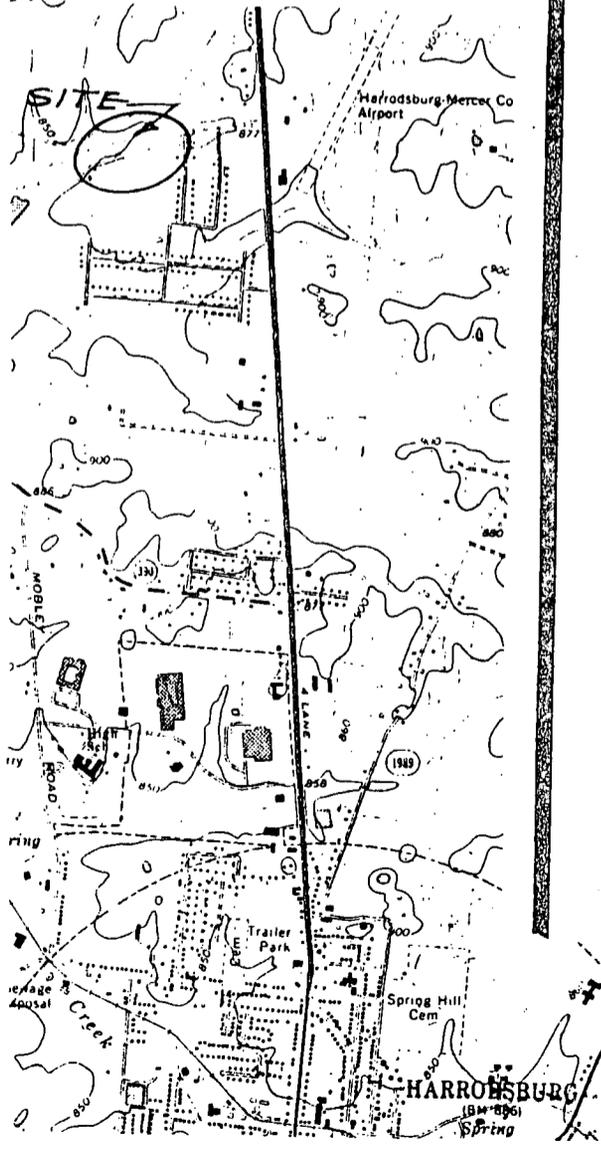
8

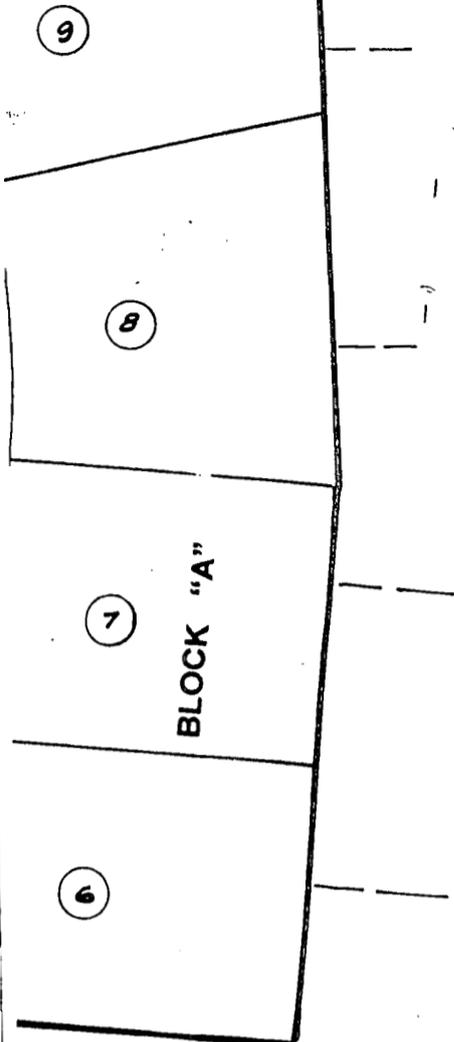
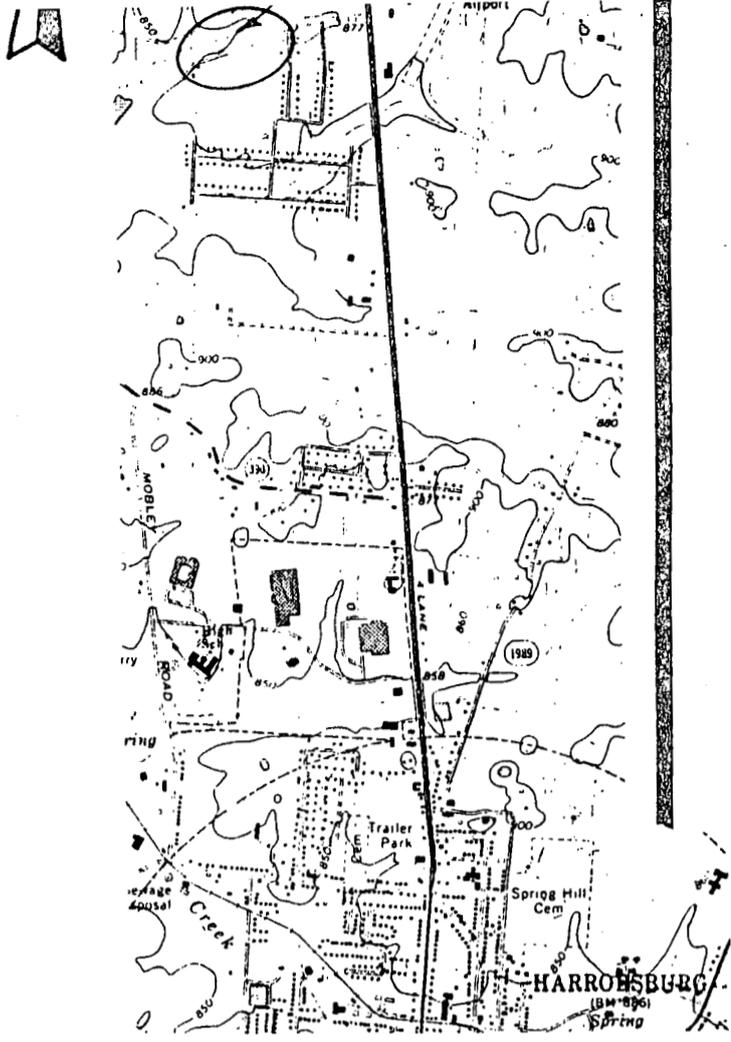
7

BLOCK "A"

6

INMAN STREET 60'





COPYRIGHT 1998  
WILLIAM DAUGHERTY

**GENERAL DIRECTORY**

- WATER PLAN SHEET 1----NOTES ON SHEET 2
- STREET PLAN SHEET 1----PROFILE AND NOTES ON SHEET 2-4
- SANITARY SEWER PLAN SHEETS 1 & 5----PROFILE ON SHEETS 5-8
- STORM SEWER PLAN SHEET 1----PROFILE AND NOTES ON SHEET 9
- PRELIMINARY PLAN WITH DIMENSIONS ETC. ON SHEET 10

**CONSTRUCTION PLANS  
AMENDED ALEXANDER HEIGHTS SUBDIVISION  
PHASE 2**

SLEEPY HOLLOW ROAD                      HARRODSBURG                      KENTUCKY  
 KIRKLAND, BAKER, McGLONE              HARRODSBURG                      OWNERS  
 WILLIAM DAUGHERTY    ENGINEER / SURVEYOR  
 DAUGHERTY ENGINEERS    203 NORTH THIRD STREET    NICHOLASVILLE

AUGUST 1998

SCALE 1" = 50'

**SHEET 1**



Paul E. Patton, Governor  
Ronald B. McCloud, Secretary  
Public Protection and Regulation  
Cabinet

Thomas M. Dorman  
Executive Director  
Public Service Commission

COMMONWEALTH OF KENTUCKY  
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Fax (502) 564-3460

Martin J. Huelsmann  
Chairman

Edward J. Holmes  
Vice Chairman

Gary W. Gillis  
Commissioner

October 6, 2000

Thomas M. Jones, Esq.  
138 South Main Street  
Lawrenceburg, Kentucky 40342

RE: Case No. 99-486  
North Mercer Water District

Dear Mr. Jones:

The Commission is in receipt of your request for an extension of time in which to respond to the First Data Request of Commission Staff to North Mercer Water District in the above-referenced case.

Please be advised that your request for an extension of time is granted and that your response should be filed within 20 days from the date of this letter. Should you require further information, please contact Anita Mitchell, Staff Attorney, at (502) 564-3940.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Dorman".

Thomas M. Dorman  
Executive Director

rbd

cc: Parties of Record



SEP 28 2000

PUBLIC SERVICE  
COMMISSION

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

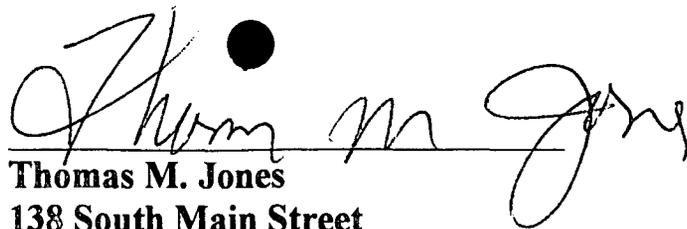
**THE APPLICATION OF NORTH MERCER ]  
WATER DISTRICT FOR A DEVIATION ] Case No. 1999-486  
FROM 807 KAR 5:066, SECTION 10(2)(b) ]  
FIRE PROTECTION ]**

**MOTION FOR EXTENSION OF TIME TO FILE DATA**

Comes the North Mercer Water District, by counsel, and moves the Public Service Commission for an extension of time to file data in response to the "First Data Request of Commission Staff to North Mercer Water District". This request for extension is made in order to obtain additional time to make photographs of engineering plans and specifications, and to obtain information which is not presently held by North Mercer Water District.

In support of this motion, North Mercer Water District would state that there are no other parties to this action, and thus, no rights are being adversely affected by this extension of time.

**RESPECTFULLY SUBMITTED this the 25th day of September,  
2000.**



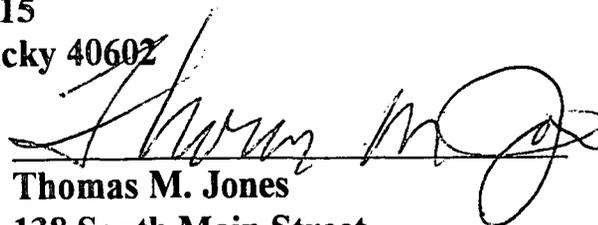
**Thomas M. Jones**  
138 South Main Street  
Lawrenceburg, KY 40342  
Telephone: 502-839-6020  
Facsimile: 502-839-6029  
**ATTORNEY FOR NORTH  
MERCER WATER DISTRICT**

**CERTIFICATE OF SERVICE**

The undersigned certifies on this the 25th day of September, 2000, that a true facsimile copy was this day sent to the Honorable Thomas M. Dorman, Executive Director, Public Service Commission, Facsimile 502-564-3460, and Honorable Anita Mitchell, Staff Counsel, Public Service Commission, Facsimile 502-564-3460, and further a true copy was mailed by U.S. Mail, with all postage prepaid, to the following:

**Thomas M. Dorman, Executive Director  
Public Service Commission  
211 Sower Boulevard  
Post Office Box 615  
Frankfort, Kentucky 40602**

**Anita Mitchell, Staff Counsel  
Public Service Commission  
211 Sower Boulevard  
Post Office Box 615  
Frankfort, Kentucky 40602**



**Thomas M. Jones**  
138 South Main Street  
Lawrenceburg, KY 40342  
Telephone: 502-839-6020  
Facsimile: 502-839-6029  
**ATTORNEY FOR NORTH  
MERCER WATER DISTRICT**

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NORTH MERCER )  
WATER DISTRICT FOR A DEVIATION )  
FROM 807 KAR 5:066, SECTION 10(2)(b) ) CASE NO. 1999-486  
FIRE PROTECTION )

FIRST DATA REQUEST OF COMMISSION STAFF  
TO NORTH MERCER WATER DISTRICT

North Mercer Water District ("North Mercer"), pursuant to 807 KAR 5:001, is to file with the Commission the original and 5 copies of the following information, with a copy to all parties of record. The information requested herein is due on or before September 25, 2000. Each copy of the data requested should be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the person who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure that it is legible. Where information herein has been previously provided, in the format requested herein, reference may be made to the specific location of said information in responding to this information request.

If the information requested or a motion for an extension of time is not filed by the stated date, Commission Staff may recommend to the Commission that the proceeding be dismissed without prejudice.

1. Provide a hydraulic analysis of North Mercer's water distribution system in the area being developed by Baker, Kirkland & McGlone. The analysis shall be prepared by a professional engineer with a Kentucky license and shall include a certification by the engineer regarding whether North Mercer's system can provide the minimum fire flow required by the Commission's administrative regulations.

2. Does North Mercer provide fire protection to any of its customers?

3. Does North Mercer's filed rate schedule contain a disclaimer of fire protection service?

4. Has North Mercer determined that hydrants are not feasible in the area being developed by Baker, Kirkland & McGlone?

5. If the response to Item 4 is in the affirmative, did the analysis include:

a. A hydraulic analysis to determine if there is adequate flow on the line to meet fire protection regulations?

b. The incremental cost of adequately sized pipe and associated pumps and towers?

c. The benefits of real estate development?

d. Water sales?

e. The availability of fire protection insurance?

f. Reduced fire insurance premiums that may result from the installation of hydrants at specified intervals?

6. If the response to Item 4 is in the negative, explain why a determination on feasibility has not been performed.



---

Thomas M. Dorman  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, Kentucky 40602

DATED September 13, 2000

cc: All Parties



**Paul E. Patton, Governor**  
**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**  
  
**Martin J. Huelsmann**  
**Executive Director**  
**Public Service Commission**

COMMONWEALTH OF KENTUCKY  
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Fax (502) 564-3460

**B. J. Helton**  
**Chairman**  
  
**Edward J. Holmes**  
**Vice Chairman**  
  
**Gary W. Gillis**  
**Commissioner**

May 12, 2000

Mr. Thomas M. Jones  
138 South Main Street  
Lawrenceburg, Kentucky 40342

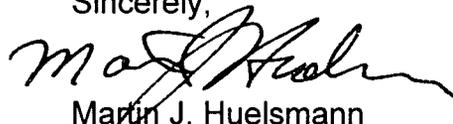
Re: Case No. 99-486  
North Mercer Water District

Dear Mr. Jones:

Attached is a copy of the informal conference memorandum that is being filed into the record of the above-referenced case. If you have any comments that you would like to make regarding the contents of the memorandum, please do so within five days of receipt of this letter. Neither the City of Harrodsburg nor Mr. McClone has sought or been granted intervention in this case. However, since North Mercer Water District invited their participation at the conference, a copy of this letter with attachment is being sent to their counsel as well.

Should you have any questions, please contact Anita Mitchell at (502) 564-3940 extension 258.

Sincerely,

  
Martin J. Huelsmann  
Executive Director

alm

Attachment

Cc Mr. Henry Vincent Pennington, III, Counsel for James McClone  
Mr. Tebbs S. Moore, Counsel for City of Harrodsburg

**INTRA-AGENCY MEMORANDUM**  
**KENTUCKY PUBLIC SERVICE COMMISSION**

**TO:** Case File No. 99-486

**FROM:** Anita Mitchell  
Staff Attorney

**DATE:** May 10, 2000

**RE:** Conference of March 22, 2000

On March 22, 2000, the Commission held a conference in this case at the Commission's offices in Frankfort, Kentucky. Present were:

Tebbs S. Moore	Harrodsburg City Attorney
Jack C. Springate	Harrodsburg City Commissioner
Thomas M. Jones	North Mercer Water District
Jim McGlone	Developer, Baker, Kirkland & McGlone
Vince Pennington	Attorney for Baker, Kirkland & McGlone
George W. Wakim	PSC Staff
Bob Amato	PSC Staff
Anita Mitchell	PSC Staff
Donald Smother	Blue Grass Energy

Beginning the conference, Anita Mitchell explained the procedure and stated that Commission Staff would prepare minutes of the conference for the case record, that a copy of the minutes would be provided to all those in attendance, and that everyone would have the opportunity to submit written comments upon the minutes.

Staff explained to the participants that the conference was scheduled to provide Commission Staff and the representatives of North Mercer Water District ("North Mercer") the opportunity to discuss the deviation request filed by North Mercer on December 1, 1999.

The discussions were then turned over to Mr. Jones. He explained to Commission staff and the others present at the meeting why he considered it necessary for North Mercer to obtain a deviation. He stated that North Mercer surrounds the City of Harrodsburg, Kentucky to the north, west and south. He stated that North Mercer has lines in the area of the City being developed by Baker, Kirkland & McGlone

("developer") and that the City of Harrodsburg, by ordinance, is requiring the developer to install fire hydrants which can be used directly for fire fighting and protection. Mr. Jones stated that at this time North Mercer cannot provide adequate flows to meet Commission Regulations 807 KAR 5:066, Section 10(2)(b)(1)(a) and (b) which provides:

(b) Fire protection.

1. On or after the effective date of this administrative regulation, fire hydrants may be installed by a utility only if:

a. A professional engineer with a Kentucky registration has certified that the system can provide a minimum fire flow of 250 gallons per minute; and

b. The system supporting this flow has the capability of providing this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate.

Mr. Jones stated that North Mercer wants to work with the developer and wants to work with the City but does not believe it can do so and be in compliance with the law. He stated that he has discussed the dilemma with the City of Harrodsburg and believes North Mercer will be in compliance with the City's ordinance if it can obtain a deviation from this Commission permitting it to allow the developer to install fire hydrants that operate as flush valves. Tebbs Moore, the Attorney for the City of Harrodsburg, stated that the City would be satisfied if fire hydrants were installed and used as flush valves. He also stated that the firefighters would be satisfied. Mr. Pennington, attorney for the developer, and Mr. McGlone stated that according to the developer's engineer, the flow at North Mercer is sufficient to meet Commission Regulation.

The participants then held a discussion on the type of connections and the type of pipe used by the North Mercer and the developer. Mr. Amato briefly explained that as a City Engineer he was involved in a similar situation and that the matter was resolved by the City paying an incremental cost to increase the system of the water district so that it could provide fireflow. It was also suggested by the City that the matter might be resolved by the City taking over that part of the line.

Mr. Pennington, attorney for the developer, raised the question of extension reimbursement. He stated that North Mercer has not reimbursed the developer the 50 foot line extension as required by Commission Regulation. He stated that the matter was presently being litigated. Staff explained that this was not a matter of consideration in this case and that if the developer wished to pursue it before the Commission there were appropriate avenues available.

Commission Staff informed North Mercer that the Commission would have to have information regarding the pressure filed with the Commission and certified by a licensed engineer. Mr. McGlone stated that he would have an engineer perform the

test. Mr. Jones agreed to allow Mr. McGlone's engineer to run a test and provide the information to the Commission.

Mr. Jones explained that North Mercer was working on tapping into the City's 8 inch main where the sewer plant is located. He stated that North Mercer would cross the river and run through the distribution system. He also explained that part of the system at Rose Hill, just west of the city, the line is marginal and borders on minimum pressure. He stated that North Mercer would like to work with the City to tap into the water tower that was built about 1-1/2 miles from Mr. McGlone's subdivision.

The participants discussed at length North Mercer's system, the City's requirements, the developer's situation and the Commission requirements.

3-22-00

TEBBS MOORE - HARRODSBURG CITY ATTY

JACK P. Springate " " " " COMM.

George W. Wakim Public Service Commission  
Thomas M. Jones NMWD

Bob Amato PSC

Jim McBlone Developer - Baker, Kirkland & McBlone

Vince Pennington Attorney for Baker, Kirkland & McBlone

~~Anita Mitchell~~ (Developer)

Anita Mitchell PSC



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

December 1, 1999

Aubrey Morris  
Chairman  
North Mercer Water District  
108 Main Street  
P. O. Box 79  
Salvisa, KY. 40372

Honorable Thomas M. Jones  
Attorney at Law  
138 South Main Street  
Lawrenceburg, KY. 40342

RE: Case No. 1999-486  
NORTH MERCER WATER DISTRICT  
(Deviation) 807 KAR 5:0666 SECTION 10 (2) (b); FIRE PROTECTION

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received December 1, 1999 and has been assigned Case No. 1999-486. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,  
*Stephanie Bell*

Stephanie Bell  
Secretary of the Commission

SB/jc

**Thomas M. Jones**

**Attorney at Law**

138 South Main Street  
Lawrenceburg, KY 40342  
Telephone: 502-839-6020  
Facsimile: 502-839-6029

November 29, 1999

**Public Service Commission  
730 Schenkel Lane  
Post Office Box 615  
Frankfort, KY 40602**

RECEIVED  
DEC 01 1999  
PUBLIC SERVICE  
COMMISSION

**Re: North Mercer Water District QA-486**

Dear Sir:

I am inquiring as to the possibility of obtaining from the Public Service Commission, a deviation from the administrative regulations relating to fire hydrants. 807 KAR 5:066 Section 10 (2) (b) *Fire Protection*, states as follows:

**"1. On or after the effective date of this administrative regulation, fire hydrants may be installed by a utility only if:**

**a. A professional engineer with a Kentucky registration has certified that the system can provide a minimum fire flow of 250 gallons per minute; and**

**b. The system supporting this flow has the capability of providing this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate."**

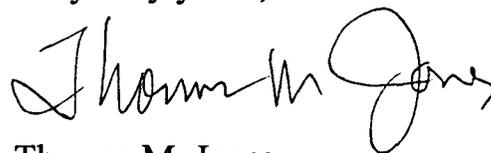
North Mercer Water District surrounds the City of Harrodsburg, Kentucky, to the north, west and south. The City of Harrodsburg requires all developers to install fire hydrants which can be used directly for fire fighting and protection. North Mercer Water District, which is supplied water by the City of Harrodsburg, Kentucky, cannot at this time provide adequate flows of water to meet paragraphs (a) and (b) of the above regulation.

The City of Harrodsburg does not wish to amend its Ordinance relating to developers installing fire hydrants. The water district is not presently capable of supplying sufficient flows to these fire hydrants for fire protection. The City of Harrodsburg has annexed a portion of the North Mercer Water District service area into the City of Harrodsburg. The problem is created when developers are developing real estate which is located within the North Mercer Water District service district, but being required by City of Harrodsburg to install fire hydrants. North Mercer Water District seeks to obtain a deviation from the PSC regulation cited above.

The district would propose a regulation or deviation from the regulation which would require developers to install all necessary equipment for the installation of fire hydrants. These hydrants would not be used for direct fire fighting, but be used ONLY as flush valves until such time as a professional engineer with a Kentucky registration can certify that the system can provide a minimum flow of 250 gallons per minute and maintain this flow for at least two (2) hours plus consumption at the maximum daily rate. The North Mercer Water District would propose a further deviation from the regulation which would provide that should the City of Harrodsburg obtain ownership and maintenance responsibility of the water mains and facilities within the subject subdivision, then the requirements for minimum flows imposed upon the water district would not be applicable.

I would be happy to discuss this matter with the officials that normally deal with water related matters. Please consider this request and contact my office at your next opportunity.

Very truly yours,



Thomas M. Jones  
Attorney for North Mercer Water District

TMJ:spm

Photocopy: Roy Short, Chairman  
North Mercer Water District  
Post Office Box 79  
Salvisa, KY 40372